

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 429 of 1998

Between:

J.C.Subba Rao,S/O.J.Eshwar Rao,
Palmaneru , Thirupathi Zone, Chittoor District.

..... PETITIONER

AND

1. The Andhra Pradesh Industrial Infrastructure Corporation Ltd
Rep by its Vice-Chairman & Managing Director,
Registered Office, Parishrama Bhavan,
V floor, Fathemaiddan Road, Hyderabad.
2. The Zonal Manager, A.P.I.I.C. Ltd.,
Thirupathi , Chittoor dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularising the petitioner's services as Driver-cum-Messenger is illegal and arbitrary and consequently direct the respondents to regularise the petitioner's services as Driver-cum-Messenger in the 1st respondent Corporation with effect from the date on which petitioner completed 5 years of continuous service according to the G.O.Ms.No.212, dt. 22.04.94.

Counsel for the Petitioner: MR.N.PRAMOD

Counsel for the Respondents: MR.R.SUBBA RAO

The Court made the following ORDER:

ORDER:

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This writ petition is filed seeking a *Mandamus* declaring the action of the respondents in not regularizing the services of the petitioner as Driver-cum-Messenger in the respondent Corporation, as arbitrary and illegal.

The petitioner claims that he has completed five years of continuous service as Driver-cum-Messenger in first respondent-Corporation and he is entitled for regularization of the services in the said cadre as per G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994.

Earlier, the petitioner filed Writ Petition No. 1253 of 1996 seeking regularization of his services. The said writ petition was dismissed as withdrawn on 25.06.1996 and the present writ petition is filed for the same relief. An interim order was passed by this Court on 13.01.1996 in W.P.M.P.No.1501 of 1996 in W.P.No.1253 of 1996 directing the first respondent herein to consider and dispose of the petitioner's representation dated 16.12.1995 and pass appropriate orders thereon. Pursuant to the interim orders dated 13.01.1996, the representation of the petitioner dated 16.12.1995 was considered and disposed of on 24.05.1996 stating that as per the records available, the petitioner was neither appointed as a Driver nor appointment orders were issued to him for any post. Further, he had not worked for five years as NMR in the Corporation at any time to consider his case for regularization as per G.O.Ms.No.212 dated 22.04.1994.

The counter-affidavit also shows that the same stand has been reiterated by the respondent Corporation. Further elaborating that the petitioner was engaged by a Contractor and not by the Corporation directly. The petitioner has not chosen to challenge the order passed on 24.05.1996 by the respondents in pursuance of the interim orders dated 13.01.1996. The very relationship of the employer and employee is denied and no reply affidavit is filed by the workman denying that he was not engaged by any Contractor and he was appointed by the Corporation directly.

Under the above circumstances, no relief can be granted in this writ petition. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V.Ramulu, J

19th November, 2004

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To

1. The Vice-Chairman & Managing Director,
Andhra Pradesh Industrial Infrastructure Corporation Ltd
Registered Office, Parishrama Bhavan,
V floor, Fathemaiddan Road, Hyderabad.
2. The Zonal Manager, A.P.I.I.C. Ltd.,
Thirupathi , Chittoor dist.
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